

**TOWN OF WEST HARTFORD PUBLIC HEARING  
FEBRUARY 28, 2017, 7:15 p.m.  
Legislative Chamber**

**ORDINANCE OF THE TOWN OF WEST HARTFORD REDEFINING “KENNEL” IN  
THE WEST HARTFORD CODE OF ORDINANCES 177-2**

**Public Hearing called to order at 7:25 p.m.**

President Cantor: We're calling to order the Public Hearing for Ordinance of the Town of West Hartford Redefining "Kennel" in the West Hartford Code of Ordinances 177-2. Ms. Labrot, roll call.

Councilors Barnes, Cantor, Casperson, Davidoff, Dodge, Hall, Kerrigan, Wenograd, and Williams were present.

President Cantor: Okay. Thank you. Yes. Okay. Ms. Boneham, would you like to present for the Counsel?

Ms. Boneham: Sure. For the record, Kimberly Boneham, Deputy Corporation Counsel. What you have before you is an Ordinance that is probably one of the shortest Ordinances you guys would see. But essentially what it does is it says that if you would have four or more dogs in your residence then you would need to get a Special Use Permit. Currently, you need three or more, you need to have a minimum of three dogs to have a Special Use Permit. You could have two as of right. So this would basically lift it one two to three dogs as of right and then beyond that would be a Special Use Permit, and that's it.

President Cantor: Thank you, Ms. Boneham. Questions? Mr. Barnes?

Councilor Barnes: Thank you. Can you just explain the process for obtaining a Special Use Permit and what's involved in that and is there a cost associated with that?

Ms. Boneham: Sure. The Special Use Permit essentially, the first step is to meet with the Town Planner. He talks about the application and gives guidance as far as the application process. Once the application is made, it gets set on the Planning and Zoning Commission's Agenda, generally the next hearing after the submission is made. And legal note, the Public Hearing gets set. That needs to be within 65 days after you've submitted your application. And the Legal Notice is published by the Planning Office in the newspaper twice, a sign needs to be posted, and then the Hearing is held by the Planning and Zoning Commission. There are fees of a total of \$410. There's a State of Connecticut surcharge included in that, a Public Hearing fee, but the total's \$410.

Councilor Barnes: And is that a one-time fee or is that an annual fee?

Ms. Boneham: It's a one-time fee.

Councilor Barnes: Okay. Thank you.

President Cantor: Thank you, Mr. Barnes. Any other questions? Yes.

Councilor Wenograd: And what ultimately the Ordinance, what they're, ultimately receive is a Special Use Permit that, is that individual or for the property and how does that work?

Ms. Boneham: It's for the property.

Councilor Wenograd: So then forever after, if they move, it's still...

Ms. Boneham: It runs with the land.

Councilor Wenograd: It runs with the land.

President Cantor: Thank you, Mr. Wenograd. Mrs. Hall?

Councilor Hall: And this may actually be a question for our Town Clerk. I wonder, Ms. Labrot, if you could just detail what the fees are for dog licenses. I know we had one correspondence that indicated they thought there were a lot of people that already had three dogs and they just weren't licensing the third dog. So I don't know whether you could put any kind of a revenue prediction on this?

Ms. Labrot: I actually checked the current 2016 licensing that ends June 30<sup>th</sup>. We have about 2,960 dogs licensed, which we believe there certainly are more dogs in West Hartford that are not licensed. There are currently 20 families that have more than two dogs, but they are licensed because that's the only way we know that they exist. So there's certainly a large number of people that do not license their dogs in West Hartford, and that's pretty much a problem, I think, state-wide. The numbers have been going down every year.

Councilor Hall: So are you saying currently people are going through that special process or they're just registering all three dogs?

Ms. Labrot: They're just registering their dogs. There's a number of families that have three. There's a couple that have four and they register them and license them and there's no permit involved because that's a special process that goes through zoning not through the Town Clerk's office.

Councilor Hall: And, and just a reminder how we share that revenue with the State?

Ms. Labrot: For a dog license it is \$8 for a spayed animal and it's 19 for a non-spayed animal and the town gets, my office gets a dollar. The State gets the rest.

President Cantor: Thank you, Mrs. Hall. Mr. Dodge?

Councilor Dodge: Thank you. This may be a question for Mr. Van Winkle. Do we, how do we stack up to other neighboring communities? In other words, how, do other communities similarly restrict the number of dogs in the way that we do?

Mr. Van Winkle: It varies. This Ordinance has been on our books for decades. Again, I've been here 30 years, and it's certainly been on that 30 years, so I'm guessing it goes back a long ways. Some communities, more rural, have no restrictions at all. We live in a, a more urban environment, if you will. Your neighbors are close to each other and that is perhaps why it was originally adopted. I just want to comment on, we get a dollar for collecting those dog licenses. It costs us more than a dollar to collect those dogs' licenses. The State refuses to change the fee for dogs or to allow us to take a larger collection. So every time we issue a dog license, the taxpayers of West Hartford subsidize that license. It's always been a pet peeve with me.

President Cantor: It's adding on to the pet peeves. Okay. Are you done, Mr. Dodge? Yes? Okay. Mrs. Kerrigan?

Councilor Kerrigan: Sorry. So, Ron, in all those years that you've been here, has anyone ever come before the Council asking for a change like this?

Mr. Van Winkle: I don't remember anyone asking for a change to the Ordinance. You know, although it's not an inexpensive permit, generally the Zoning Commission does approve for someone. If you have 10 dogs, you're going to get turned down. But they will approve a kennel license is what we call it, for you. But I don't remember anyone ever coming before the Council before and asking for a change to this.

Councilor Kerrigan: But there's a chance that someone could come before asking for a Special Permit and be denied that and they would lose their \$410?

Mr. Van Winkle: Well, they would lose their \$410. Your Zoning Commission, the TPZ, is charged with making a determination that the use of the property is appropriate. We've had property owners with dozens and dozens of dogs and they, you know, were turned down for permits on that. So the TPZ, like you, tries to sit in judgment and decide whether two dogs, three dogs, whatever the number is is acceptable given the property, the size of the yard, I guess the closeness to the neighbors, maybe the size of the dog, I don't know. But they do look at all those things.

Ms. Boneham: We asked Planning if they could pull the number that they've, that they have issued over the last 18½ years is what they went back and there were 14 applications. Nine of those were approved. One was withdrawn. And the four that were denied, a couple of them were because the people just didn't show up after they had made the application, so the vast majority of them were approved. The number of dogs varied. It looks like from three to 22, back in 2004 with the condition that the numbers be reduced over a time period. So most people it would appear that when they applied, it gets approved.

President Cantor: Thank you, Ms. Boneham. Thank you, Mrs. Kerrigan. Are you all set?

Councilor Kerrigan: Yes.

President Cantor: Okay. Mr. Davidoff.

Vice-President Davidoff: Thank you, Madam Mayor. I have a question to make certain we're all on the same page here. If we don't adopt this change this evening and a Special Use Permit is required, the conditions for approval by the TPZ for a Special Use Permit would be outlined in Section 177-42, which deal with being in harmony with the neighborhood and whether or not it fits into the character and there's something that deal with loading docks that really don't have much to apply to that. But it's basically a character, fitting in-type neighborhood thing. Correct, Ms. Boneham?

Ms. Boneham: That's correct. They look at the size of the lot. In relation to the application, they look at the nature and intents of the use.

Vice-President Davidoff: Correct. Okay. And, and the other I would probably just want to enter some testimony into the, into the record. Having served on the TPZ prior to my service on the Council, and two kennel applications come to mind quite, quite quickly. Both of these applicants were made to apply for a Special Use Permit because neighbors complained about the number of dogs that were present. The first one is the 22 Shih Tzus on Walbridge Road, and I think I probably was the Chairperson of the TPZ at the time and it was kind of amazing, listening to the testimony of how somebody could possibly care for 22 Shih Tzus. And the reason that they came to the Town's attention had to do with some type of neighbor dispute, not because the neighbors that were nearby had heard these dogs outside barking or anything of that and the house was very clean and they had a whole system. And the end of the day what we decided was that they needed to get down to three, three dogs in like a year and a half and then they came back to us with a reconsideration, and we denied them and that resident has since moved out of West Hartford. But that was like an extreme case of amount of dogs in a particular residence, and all the dogs were well cared for. But I remember my other commissioners here and I think it's important to get into the record were kind of shocked by the number of dogs that somebody would have in their house and how could you physically walk them, care for them, get them places, point A to point B. The other case that came up was on Shepard Road in Astronaut Village. Somebody was breeding dogs and they had 6-8 dogs and what caught the neighbors' attention was there was constantly cars pulling into this residence. Whether they were coming to look at the dogs or they were going to purchase the dogs and this was just obviously some type of breeding operation, a small business here, and we ruled that, no, you, you couldn't get this, this kennel operation here. This is really inappropriate use of your personal property. Those are the two that I sat on that remain in my mind, and I think we did a really good job with respect of how a Special Use Permit. But thinking back now, bringing out the fact that it's \$410 for a Special Use Permit in today's environment, I think, is, is kind of a high cost to ask somebody to, if we're just lifting the number of dogs that one's able to care for from two to three before you have to apply for that permit to get that fourth dog. And I think that's reasonable in my opinion. There was some commentary about, I think, if it was a multi-dwelling unit. If it was a landlord situation, I'm certain under Connecticut Tenant/Landlord Statutes, a landlord would have the ability to regulate the number of pets in a dwelling. Is that correct, Ms. Boneham?

Ms. Boneham: Yes, that's correct.

Vice-President Davidoff: Okay, do I think there is a safeguard out there with respect to rental properties. And overall I just think that, I think it will sort of self-police itself. So I would hope and I would encourage people in West Hartford as a dog owner to license your dog. It's not a major fee. Being in compliance, it does help if your dog gets attacked by another dog out there. You know, I think it's the right thing to do, and I don't think asking you to come once every June to get a dog license is, is a heavy ask. So if you could do that, it would make it a lot easier for everybody, and I think that's sort of meeting us halfway in terms of, you know, the Council's willingness to change some action here possibly to get possibly more compliance by our residents on the number of dogs they have. Thank you.

President Cantor: Thank you, Mr. Davidoff. Anybody else? Okay. Actually, let's go look and see about public signup. Okay. So we have a signup sheet. You are allowed to speak for three minutes unless you are speaking on behalf of an organization. The first person that I have, make

sure you state your name and address at this podium. The first person I have signed up is Tom Guzzo.

Mr. Guzzo: Tom Guzzo, 28 Price Boulevard, Connecticut. This is my sidekick, my fiancée here tonight with me. As you know, I want to first of all, I want to say some thank yous to everybody who I called here last week, people that are not present, Joe O'Brien, in particular who helped me out. As you know, I came to you on November 9<sup>th</sup>, and I did my homework. Unfortunately, I didn't make a lot of copies. Shame on me. Our Ordinance is really somewhat outdated. As you look at the other towns, I mean, the other towns have a lot more dogs than we do, and I went around I took the full surveys. And then I also went back the other day, matter of fact, to make sure that my numbers were still correct, and they were still on the money. What I'm encouraging you is raising it up to one more dog. You're going to get people that're going to come forward at least because there's plenty of people out here that are not even coming forward, stating they got that third dog. You're going to get the revenue. And the other thing too is that, something the Deputy Mayor talked upon. That's a lot of money, \$440 to get a kennel license. I don't know about you, but a lot of people are struggling to make ends meet now just for, just to put food on their table. And I think that raising that one dog will unite the community, and what I mean by unite the community is it's going to bring neighbors together. They'll talk about that third dog and be friendly. It'll unite. And not only that, it'll unite publicly. Even with the police, they come by, they chat, they pet the dog. It, it's a win/win situation for everybody. And as far as what, also one more thing the Deputy Mayor talked upon was the multi-family issue. There's already, there's already controls in there. I think Ben and his committee did an extremely good job. I also recognize TPZ did some due diligence, and I recognize they did some hard work on this, too. I'm just encouraging you. Raising it up one, it's to our benefit. West Hartford's a great town. I've been here for 56 years, born and raised, and I want to continue to live in this town. One more dog will unite this community, believe me, and will stay within other towns limit. As a side note, there's some of those other towns, they're even considering about raising their limits again, believe it or not, because as I went through my journey, Joe O'Brien says to me, check to see whether or not they're going to double-check it. And I also want to thank our Corporate Counsel too because I know they spent some time talking to my fiancée, too. And more importantly I'm going to repeat, Joe O'Brien was the one, do your homework before you speak. Don't go up there and speak off the cuff. Thank you, and I hope you approve this Ordinance tonight.

President Cantor: Thank you, Tom. Is there, I think the other signups were related to the previous Public Comment; Gabriela, Anna, Peter, Maggie, or Linda? Okay, so those can go. Is there anybody else in the audience that would like to speak to this Public Hearing? No. Okay. We are done with the Public Comment. I'm reading into the record a letter dated February 15, 2017 from TPZ, Motion to Approve Failed. A letter dated February 8, 2017 finding No Apparent Conflict. Was anybody at the TPZ meeting that could talk to us about their decision to deny?

Ms. Boneham: I wasn't at the TP&Z meeting, but I did speak to Todd Dumais afterwards, and I also spoke with him today about it just to understand their reasoning a little bit. It was my understanding that they felt that there were already controls in place through the Special Use Permit process. They felt there was already a process that worked, and there was some concern

for them about the, the idea of multiple dogs per dwelling unit, particularly in small lots, single family and the multi-family as we had touched on earlier. That was really, those were their main points from what I understand in speaking to Todd.

President Cantor: Okay. Thank you. And again, the Special Use Permit goes with the property, so even if there is a, a different, something happens to a property next door. Say there's a single family home and then a condo unit goes up next door to that single family home. If that house has a kennel license, Special Use Permit, that will stay no matter what happens...

Ms. Boneham: Correct.

President Cantor: ...to that property next door, a school...

Ms. Boneham: Correct.

Ms. Boneham: ...or, and not that we're building schools, we're not. But anyway...all right. Any other questions for? All right. Then we will close the Public Hearing.

Public Hearing closed at 7:42 p.m.

Essie S. Labrot  
Town/Council Clerk